

tried, unless either party shall be unprepared for trial, in which case the Magistrate shall give, in his discretion, such further continuance, for not less than ninety days.

Right of appeal  
granted to either  
party.

SEC. 4. In case either party shall be dissatisfied with the judgment rendered by the Magistrate, such party shall have the right to appeal to the Superior Court of the County without security for the appeal, when the cause shall be docketed and stand for trial in its regular order, according to the course of the Court.

Stay of execution.

SEC. 5. The defendant shall be at liberty in any judgment before a Justice of the Peace, to have a stay of execution for six months, on giving security, to be judged of by the Magistrate, for the payment of the debt: *Provided*, That the security be given at any time within twenty days from the rendering of the judgment.

Proviso.

When executions  
returnable.

SEC. 6. All executions issued from judgments rendered under this act, shall be made returnable within ninety days, and no sale shall take place within less than sixty days from the issuing of the execution.

How summons  
returnable.

SEC. 7. All writs of summons issued since the first day of January, eighteen hundred and sixty-nine, upon judgment rendered on contracts made before the first day of May, eighteen hundred and sixty-five, shall be made returnable as writs of summons in like cases provided in the first section of this act.

Judgments rendered set aside and open for trial, &c.

SEC. 8. All judgments rendered on such contracts since January, eighteen hundred and sixty-nine, by any Magistrate, shall, on application of the defendant before the same or any other Magistrate, be set aside, and shall be open for pleading, trial, judgment and appeal, as in cases provided for in the first six sections of this act.

Magistrate to keep  
docket.

SEC. 9. It shall be the duty of the Magistrate to keep a docket of all such causes had before him, with proper entries, setting forth the various stages of the cause; and it shall be the duty of the Sheriff, or other officer, to make return before the Magistrate issuing the summons of all process in his hands, relating fully and truly his action on the process.